


**DELEGATION OF AUTHORITY  
TOXIC SUBSTANCES CONTROL ACT (TSCA)**

Administrative Enforcement:  
Signing Penalty Remittance Agreements and Remittance Orders

1. **AUTHORITY.** To sign agreements to remit all or part of a civil administrative penalty, as authorized by Section 16(a)(2)(C) of the Toxic Substances Control Act (TSCA), if conditions cited in the remittance agreement are met by the respondent; to sign an order remitting the penalty when the Agency is satisfied that the conditions have been met; and to sign an order not remitting the penalty and declaring that payment of the penalty is due, and collecting the required payment, when the Agency determines the conditions have not been met. The authority to remit penalties with conditions is contained in Section 16(a)(2)(C) of TSCA.
2. **TO WHOM REDELEGATED.** To the Director, Enforcement and Compliance Assurance Division, or equivalent.
3. **LIMITATIONS.**
  - a. The regional administrator or division director must consult the AA for OECA, or designee, before exercising any of the above authorities. This is to ensure that similar settlements are applied to similar violative situations.
  - b. The AA for OECA may exercise these authorities in multi-Regional cases or cases of national significance. In addition the AA for OECA must notify any affected regional administrators or division director when exercising any of the above authorities.
  - c. The AA for OECA may waive the consultation requirement by memorandum.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSSION.** This delegation supersedes R10 12-2-D (08/02/2016) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
  - a. Section 16(a)(2)(C) of TSCA, which permits the Administrator to remit penalties with conditions.
  - b. "Toxic Substances Control Act Settlement with Conditions" (November 16, 1983), which gives criteria for the use of remittance agreements, a description of the format and contents of such agreements, and a summary of the procedures for using these agreements.

c. EPA Delegation 12-2-D.

APR 15 2019  
Date

  
Chris Hladick  
Regional Administrator